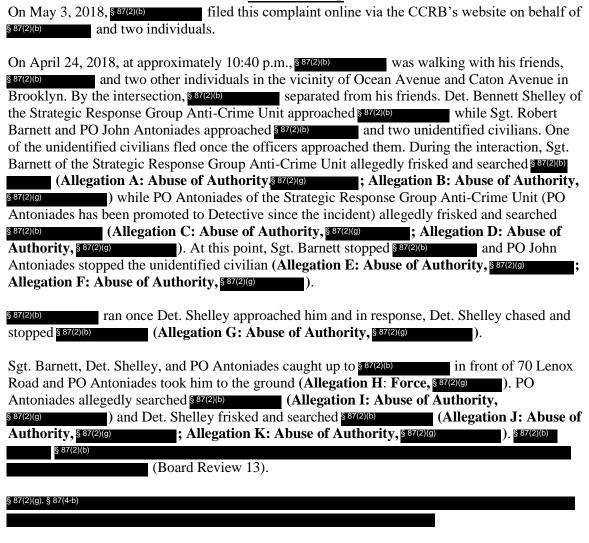
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force		Discourt.	☐ U.S.
Patrick Yu		Squad #3	201803477	✓ Abus	e 🔲	O.L.	✓ Injury
Incident Date(s)		Location of Incident:	•	Precino	et: 18	8 Mo. SOL	EO SOL
Tuesday, 04/24/2018 10:40 PM		Ocean Avenue and Cat Lenox Road	ton Avenue; 70	70	1	0/24/2019	10/24/2019
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/	Γime Rec	ceived at CCI	RB
Thu, 05/03/2018 4:05 PM		CCRB	On-line website	Thu, C	05/03/201	18 4:05 PM	
Complainant/Victim § 87(2)(b) § 87(2)(b) § 87(2)(b)	Type § 87(2)(b) § 87(2)(b) § 87(2)(b)	Home Addre	ess				
Witness(es)		Home Addre	ess				
§ 87(2)(b) § 87(2)(b)		§ 87(2)(b) § 87(2)(b)					
Subject Officer(s)	Shield	TaxID	Command				
1. DTS Bennett Shelley	5127	947489	SRG				
2. POM John Antoniades	19885	954495	SRG				
3. SSA Robert Barnett	00157	918730	SRG				
Officer(s)	Allegation	on			_	gator Recon	nmendation
A.SSA Robert Barnett		On Ocean Avenue and C Robert Barnett frisked		oklyn,	87(2)(g)		
B.SSA Robert Barnett		On Ocean Avenue and C Robert Barnett searched		OKIYII,	87(2)(g)		
C.POM John Antoniades		On Ocean Avenue and C fficer John Antoniades f		okiyii,	87(2)(g)		
D.POM John Antoniades		On Ocean Avenue and C fficer John Antoniades s		oklyn,	87(2)(g)		
E.SSA Robert Barnett		On Ocean Avenue and C Robert Barnett stopped		oklyn,	§ 87(2)(g)		
F.POM John Antoniades		On Ocean Avenue and C fficer John Antoniades s		l.	87(2)(g)		
G.DTS Bennett Shelley		On Ocean Avenue and C e Bennett Shelley stoppe		oklyn,	87(2)(g)		
H.POM John Antoniades		t 70 Lenox Road, in Brolles used physical force a		er John	87(2)(g)		
I.POM John Antoniades	Abuse: A	At 70 Lenox Road, in Brodles searched § 87(2)(b)	ooklyn, Police Offic	er John	87(2)(g)		
J.DTS Bennett Shelley		At 70 Lenox Road, in Brogrisked § 87(2)(b)	ooklyn, Detective Bo	cinictt	87(2)(g)		
K.DTS Bennett Shelley		At 70 Lenox Road, in Brosearched § 87(2)(b)	ooklyn, Detective Be	ennett	87(2)(g)		
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 8	37(4-b)		S	87(2)(g), §	87(4-b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Case Summary



There is no video footage depicting the incidents.

Findings and Recommendations

Allegation (A) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn,

Sergeant Robert Barnett frisked \$87(2)(b)

Allegation (B) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn,

Sergeant Robert Barnett searched \$87(2)(b)

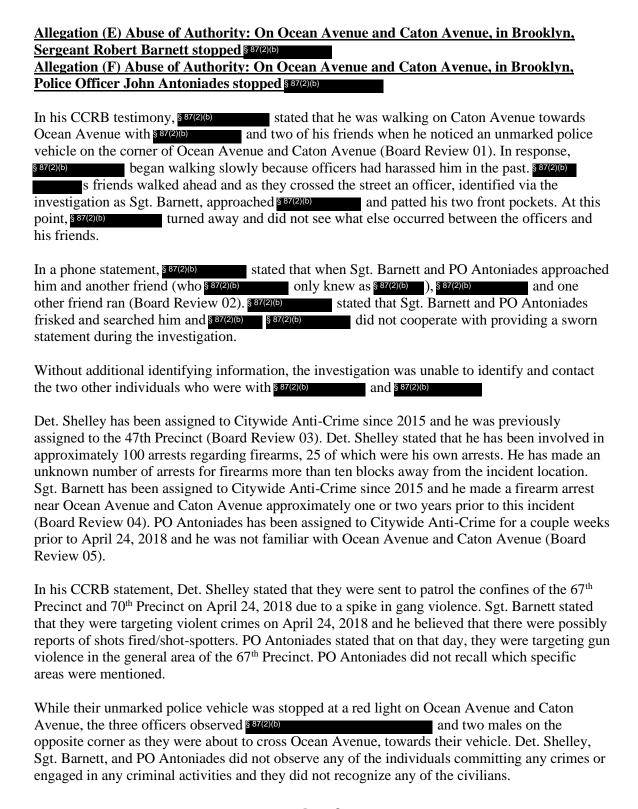
Allegation (C) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn,

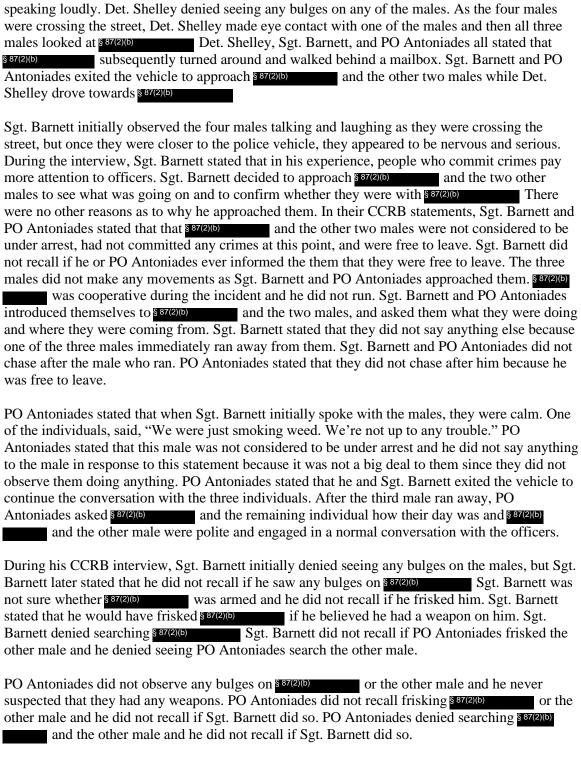
Police Officer John Antoniades frisked \$87(2)(b)

Allegation (D) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn,

Police Officer John Antoniades searched \$87(2)(b)

Page 2





Det. Shelley denied hearing the conversations between the four males and he did not hear them

Page 4

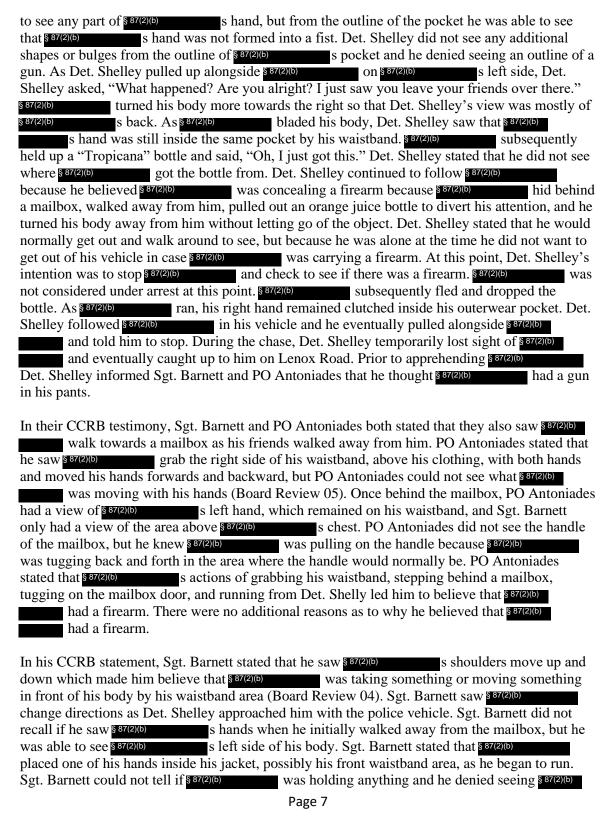
Stop Reports were not prepared for street or the other individual that Sgt. Barnett and PO Antoniades approached (Board Review 22).

An officer may stop, detain, and question an individual if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime, <u>People v. DeBour</u>, 40 N.Y.2d 210 (1976) (Board Review 10). An officer may frisk an individual when he reasonably suspects that the individual is armed and dangerous, <u>Id</u>. An officer must have probable cause to believe that a person has committed, is committing, or is about to commit a crime to search a person, Id.

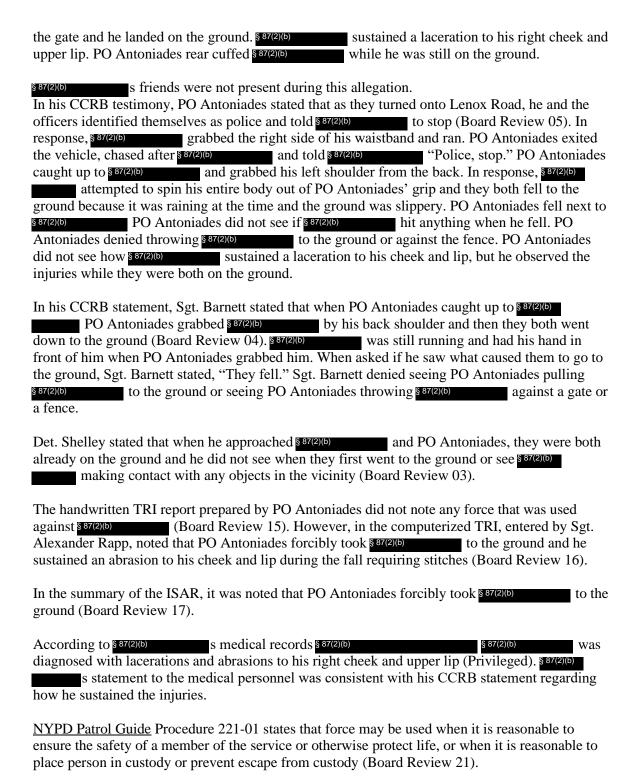


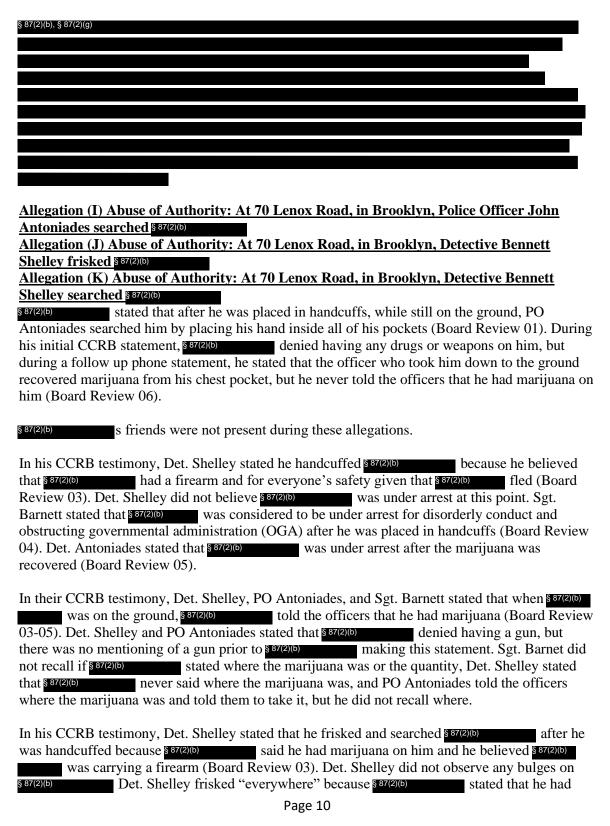
Page 5

§ 87(2)(b), § 87(2)(g)
Allegation (G) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Detective Bennett Shelley stopped \$87(2)(6) Once \$87(2)(6)
did not provide a statement regarding what he observed between Det. Shelley and As noted above, without additional information, the investigation was unable to identify the two other individuals they were with.
In his CCRB statement, Det. Shelley stated that he saw \$87(2)(b) walk in the opposite direction as three of the other individuals he was initially walking with and then he walked behind a mailbox (Board Review 02). Det. Shelley did not notice \$87(2)(b) shands as he walked behind the mailbox. As \$87(2)(b) stood behind the mailbox, Det. Shelley believed that was reaching towards the area where a door would normally be on the mailbox
because \$87(2)(b) shoulders were raised. Det. Shelley did not see if \$87(2)(b) was holding anything. Det. Shelley believed that \$87(2)(b) tried to put something in the mailbox. Aside from his aforementioned observations, there was nothing else that led him to believe that \$87(2)(b) was trying to conceal something in the mailbox. At this point, Det. Shelley drove towards \$87(2)(b) to ask him what he was doing behind the mailbox because he left his friends and hid behind the mailbox as if he was concealing something. Det. Shelley stated that he did not see any of the males committing any crimes at this point and he did not know if they had committed any crimes. As Det. Shelley moved his vehicle closer, \$87(2)(b) began walking away quickly. Det. Shelley saw \$87(2)(b) s right hand inside his hoodie or jacket pocket and it appeared as if \$87(2)(b) was holding an object in his
waistband with his right hand. Det. Shelley stated that he knew \$57(2)(b) was grabbing an object because when he moved his right hand to the left while it was in his pocket, his pants moved with the pocket. Det. Shelley stated that \$57(2)(b) appeared to be holding something because of the way his wrist was bent downwards in an unnatural position with his palms facing towards himself inside his outwear pocket by the front of his waistband. Det. Shelley was not able



s actions of running while placing his hand inside his pocket was indicative of someone concealing or holding a weapon. In his interview, Sgt. Barnett clarified that he did not know if \$87(2)(b) s hand was inside his pocket, but he was able to see that it was in front of him. As \$87(2)(b) ran, one of his arms was swinging back and forth while his other arm was not moving. Sgt. Barnett had a view of the left side of \$87(2)(b) body which Sgt. Barnett interpreted as \$87(2)(b) holding a firearm or "something." Sgt. Barnett could not see if \$87(2)(b) was holding anything at the time.
The Stop report prepared by Det. Shelley was consistent with his CCRB testimony regarding separating himself from his friends, then grabbing an object in his right hoodie pocket by his waistband, and then fleeing (Board Review 14).
The summary in the ISAR was consistent with Det. Shelley's CCRB testimony regarding the observations he made prior to pursuing \$87(2)(b) (Board Review 17). Furthermore, it was noted that video footage was recovered from 100 21st Street showing \$87(2)(b) fleeing from the officers and \$87(2)(c) holding an unknown object on the right side of his waistband. The investigation obtained the video footage attached to the report (Board Review 12). \$87(2)(g)
§ 87(2)(g)
Attorney noted that Det. Shelley did not observe \$87(2)(b) commit any crime \$87(2)(g)
§ 87(2)(b), § 87(2)(g)
Allegation (H) Force: At 70 Lenox Road, in Brooklyn, Police Officer John Antoniades used physical force against \$87(2)(b) It is undisputed that \$87(2)(b) ran from the officers and that when PO Antoniades caught up to him PO Antoniades took him down to the ground.
In his CCRB statement, \$87(2)(b) stated that once PO Antoniades caught up to him on Lenox Road, PO Antoniades grabbed his shoulders by his clothing and \$87(2)(b) stopped (Board Review 01). \$87(2)(b) s arms were extended in front of his body and he denied moving or trying to get away at this point. \$87(2)(b) felt his body jerk to the right and was thrown against a gate which was approximately four to five feet away. \$87(2)(b) face hit





marijuana and he grabbed the area around \$87(2)(b) s waistband. Det. Shelley believed that he went inside \$97(2)(b) s pockets, but he did not recall which pockets he went inside. Det. Shelley recovered marijuana from \$87(2)(b) s chest pocket. Det. Shelley did not know if he went inside any other pockets. Keys, a phone, and headphones were recovered from his pockets and vouchered, but he did not know where he recovered each item from. Det. Shelley frisked s waistband and he did not find anything. Det. Shelley never determined what was holding by his waistband.
PO Antoniades did not recall if the marijuana was located in the area where \$\frac{87(2)(b)}{87(2)(b)}\$ was initially grabbing on his waistband (Board Review 05). PO Antoniades did not recall who frisked but one of the officers frisked the area that \$\frac{87(2)(b)}{87(2)(b)}\$ said he had marijuana. PO Antoniades did not recall who recovered the marijuana, but the marijuana was recovered \$\frac{87(2)(b)}{87(2)(b)}\$ from the area that \$\frac{87(2)(b)}{87(2)(b)}\$ said he had it in while he was still on the ground. PO Antoniades stated that one of the officers also removed a cellphone and a wallet from \$\frac{87(2)(b)}{87(2)(b)}\$ s waistband area but he did not recall who did so.
Sgt. Barnett did not recall if anyone frisked \$87(2)(b) or entered his pockets when he was on the ground (Board Review 04). Sgt. Barnett denied frisking or searching \$87(2)(b) at any point. Either Det. Shelly or PO Antoniades frisked and searched \$87(2)(b) but he did not recall which officer did so. Sgt. Barnett stated that he believes that \$87(2)(b) was frisked and searched after he said he had marijuana on him. Sgt. Barnett did not recall where on \$87(2)(b) should be body the officer frisked and searched. Marijuana was recovered as a result of the frisk and search. Sgt. Barnett did not recall where the marijuana was found. At some point, an officer informed Sgt. Barnett that they had frisked or searched \$87(2)(b) should but he did not see this.
Det. Shelley, PO Antoniades, and Sgt. Barnett affirmed that a canvass for a firearm was conducted, but a firearm was never recovered on \$87(2)(b) or on the scene.
The Stop Report noted that 887(2)(b) was frisked because of an object observed suspected of being weapon and flight from officers (Board Review 14). It was noted in the report that a search was conducted incident to lawful arrest and marijuana was recovered.
In the ISAR report, it was documented \$87(2)(b) was interviewed \$87(2)(b) he stated that he "only had weed" and that he ran because he was scared (Board Review 17).
The Property Voucher associated with \$87(2)(b) s arrest noted that marijuana was recovered and vouchered from \$87(2)(b) (Board Review 18).
§ 87(2)(b), § 87(2)(g)

87(2)(b), § 87(2)(g)
87(2)(b), § 87(2)(g)
87(2)(g), § 87(4-b)
Civilian and Officer CCRB Histories
• This is the first CCRB complaint to which \$87(2)(b) and \$87(2)(b) have been
a party (Board Review 07 and 08).
• Det. Shelley has been a member of the CCRB for 10 years and has been a subject in 17

- CCRB complaints and 32 allegations, of which three were substantiated:
 - o 201002667 involved a substantiated allegation of a frisk. The Board recommended Charges and the NYPD imposed Instructions.
 - 201502152 involved substantiated allegations of frisks against Det. Shelley. The Board recommended Charges and following a trial, the NYPD imposed a forfeiture of two vacation days.
 - § 87(2)(g) 0
- PO Antoniades has been a member of service for five years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. Page 12

§ 87(2)	(g)
Sot	Barnett has been a member of service for 21 years and has been a subject in

- Sgt. Barnett has been a member of service for 21 years and has been a subject in 11 CCRB complaints and 26 allegations, of which one was substantiated:
 - 201015749 involved a substantiated allegation of an entry and search of premises against Sgt. Barnett. The Board recommended Charges and the NYPD imposed Instructions.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- filed a Notice of Claim with the City of New York claiming permanent physical pain, mental anguish, loss of quality of life, future pain and suffering, future medical bills, future diminution of income, compensatory damages, and punitive damages and is seeking \$5,000,000 as redress (Board Review 21). On January 14, 2018, an email was sent to the New York City Office of the Comptroller to determine whether a 50H Hearing was held. To date, the results are pending.

Without ac	lditional information, OCA	searches of \$87(2)(b) could 1	not be completed.
Squad No.:			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date

Page 13